

UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF MICHIGAN  
SOUTHERN DIVISION

UNITED STATES OF AMERICA

vs.

Case: 2:21-cr-20490  
Assigned To : Parker, Linda V.  
Referral Judge: Stafford, Elizabeth A.  
CRIMINAL NO Assign. Date : 7/27/2021  
HONORABLE Description: INFO USA v. SPIVEY  
(SO)

VIOLATIONS: 18 U.S.C. § 371  
18 U.S.C. § 666(a)

D-1 ANDRE SPIVEY,

Defendant.

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**INFORMATION**

The United States Attorney charges:

**COUNT ONE**

(18 U.S.C. §§ 371 & 666(a) – Conspiracy to Commit Bribery)

**D-1 ANDRE SPIVEY**

**THE CONSPIRACY**

1. From in or about 2016 through in or about 2020, in the Eastern District of Michigan, Southern Division, defendant **ANDRE SPIVEY** did unlawfully, willfully, and knowingly combine, conspire, confederate, and agree with *Public Official A* and other individuals to commit an offense against the United States, that is, to commit federal program bribery, in violation of Title 18, United States Code, Section 666(a).

2. During the period between 2009 and 2020, **ANDRE SPIVEY** served as an elected member of the Detroit City Council. During a portion of that period of time, *Public Official A* was employed by the City of Detroit as a member of **ANDRE SPIVEY's** staff.

3. Between 2016 and 2020, **ANDRE SPIVEY** and *Public Official A* corruptly accepted over \$35,000 in bribe payments in connection with **SPIVEY's** position as a member of the Detroit City Council. Both **ANDRE SPIVEY** and *Public Official A* accepted the bribe payments with the intent to be influenced and rewarded in connection with upcoming votes on the Detroit City Council and in subcommittees of the Detroit City Council concerning an industry under review by the council.

4. In each of the calendar years of the conspiracy, the City of Detroit received over \$10,000 in federal assistance.

#### **OVERT ACT**

In furtherance of the unlawful conspiracy, and to effect its objectives, the co-conspirators committed the following overt act in the Eastern District of Michigan, among others:

5. On October 26, 2018, **ANDRE SPIVEY** accepted a \$1,000 cash bribe payment from an undercover law enforcement agent.

All in violation of Title 18, United States Code, Sections 371 and 666(a).

**FORFEITURE ALLEGATION**

(18 U.S.C. § 981(a)(1)(C) and 28 U.S.C. § 2461(c) – Criminal Forfeiture)

**D-1 ANDRE SPIVEY**

1. The allegations contained in Count One of this Information are hereby re-alleged and incorporated by reference for the purpose of alleging forfeiture pursuant to Title 18, United States Code, Section 981(a)(1)(C) and Title 28, United States Code, Section 2461(c).

2. Pursuant to Title 18, United States Code, Section 981(a)(1)(C) and Title 28, United States Code, Section 2461(c), upon conviction of a conspiracy to violate Sections 666(a), in violation of Title 18, United States Code, Section 371, the defendant, **ANDRE SPIVEY**, shall forfeit to the United States of America any property, real or personal, which constitutes or is derived from proceeds traceable to said violations.

3. If any of the property described above, as a result of any act or omission of the defendant:

- a. cannot be located upon the exercise of due diligence;
- b. has been transferred or sold to, or deposited with, a third party;
- c. has been placed beyond the jurisdiction of the court;
- d. has been substantially diminished in value; or

e. has been commingled with other property which cannot be divided without difficulty,

the United States of America shall be entitled to forfeiture of substitute property pursuant to Title 21, United States Code, Section 853(p), as incorporated by Title 28, United States Code, Section 2461(c).

SAIMA S. MOHSIN  
Acting United States Attorney

*s/Frances Lee Carlson*  
FRANCES LEE CARLSON  
Assistant United States Attorney

*s/David A. Gardey*  
DAVID A. GARDEY  
Assistant United States Attorney  
Chief, Public Corruption Unit

Dated: July 27, 2021

United States District Court Eastern District of Michigan	<b>Criminal Case Cover Sheet</b>	Case Number 2:21-cr-20490
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NOTE: It is the responsibility of the Assistant U.S. Attorney signing this form to complete it accurately in all respects.

<b>Companion Case Information</b>		Companion Case Number:
This may be a companion case based upon LCrR 57.10 (b)(4) <sup>1</sup> :		Judge Assigned:
<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No		AUSA's Initials: FLC

**Case Title:** USA v. Andre Spivey

**County where offense occurred :** Wayne

**Check One:**  Felony       Misdemeanor       Petty

- Indictment/  Information --- no prior complaint.  
 Indictment/  Information --- based upon prior complaint [Case number: ]  
 Indictment/  Information --- based upon LCrR 57.10 (d) [Complete Superseding section below].

### Superseding Case Information

**Superseding to Case No:** \_\_\_\_\_ **Judge:** \_\_\_\_\_

- Corrects errors; no additional charges or defendants.  
 Involves, for plea purposes, different charges or adds counts.  
 Embraces same subject matter but adds the additional defendants or charges below:

<u>Defendant name</u>	<u>Charges</u>	<u>Prior Complaint (if applicable)</u>
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**Please take notice that the below listed Assistant United States Attorney is the attorney of record for the above captioned case.**

July 27, 2021  
Date

s/Frances Lee Carlson  
FRANCES LEE CARLSON  
Assistant United States Attorney  
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Attorney Bar #:

<sup>1</sup> Companion cases are matters in which it appears that (1) substantially similar evidence will be offered at trial, or (2) the same or related parties are present, and the cases arise out of the same transaction or occurrence. Cases may be companion cases even though one of them may have already been terminated.